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LOK SABHA

The following Bill was introduced in Lok Sabha on the 9th December, 1963:—

BILL No. 55 OF 1963

A Bill to amend the Delhi Development Act, 1957.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Delhi Development (Amendment) Act, 1963. Short title.

61 of 1957. 5 2. In section 2 of the Delhi Development Act, 1957 (hereinafter referred to as the principal Act), for clause (l), the following clause shall be, and shall be deemed always to have been, substituted, namely:— Amendment of section 2.

of 1894. 10 ' (l) the expression "land" shall have the meaning assigned to it in section 3 of the Land Acquisition Act, 1894. '

3. In section 3 of the principal Act,—

(a) in sub-section (3), for clause (g), the following clause shall be substituted, namely:— Amendment of section 3.

15 " (g) three other persons to be nominated by the Central Government, of whom one shall be a person with experience of town planning or architecture; and";

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

20 " (3A) The appointment of the vice-chairman may be either whole-time or part-time as the Central Government may think fit but the appointment of the finance and accounts member and the engineer member shall be whole-time. ";

(c) for sub-sections (4) and (5), the following sub-sections shall be substituted, namely:—

“(4) The vice-chairman, if he is a whole-time member, the finance and accounts member and the engineer member shall be entitled to receive from the funds of the Authority 5 such salaries and such allowances, if any, and governed by such conditions of service as may be determined by rules made in this behalf.

(5) The vice-chairman, if he is a part-time member, and other members specified in clause (e), clause (f) and 10 clause (g) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Central Government in this behalf.”;

(d) in sub-section (6), for the words “two members”, the words “three members” shall be substituted. 15

Amend-
ment of
section 5.

4. In section 5 of the principal Act, in sub-section (1), for the words “the zonal development plans and generally on the planning of development of Delhi and on such other matters”, the words “on such other matters relating to the planning of development, or” shall be substituted. 20

Insertion
of new
section
5A.
Consti-
tution of
com-
mittees.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

“5A. (1) The Authority may constitute as many committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons and for such purpose or 25 purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by regulations made in this behalf. 30

(3) The members of a committee (other than the members of the Authority) shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Authority, as may be determined by regulations made in this behalf.”. 35

Amend-
ment of
section 7.

6. In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The master plan may provide for any other matter which is necessary for the proper development of Delhi.”.

7. After Chapter III, the following Chapter shall be inserted, namely:—

Insertion
of new
Chapter
IIIA.

"CHAPTER IIIA

MODIFICATIONS TO THE MASTER PLAN AND THE ZONAL DEVELOPMENT PLAN

- 5 11A. (1) The Authority may make any modifications to the master plan or the zonal development plan as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land-uses or the standards of population density. Modifications to plan.
- 10 (2) The Central Government may make any modifications to the master plan or the zonal development plan whether such modifications are of the nature specified in sub-section (1) or otherwise.
- 15 (3) Before making any modifications to the plan, the Authority or, as the case may be, the Central Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all
- 20 objections and suggestions that may be received by the Authority or the Central Government.
- 25 (4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the Central Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such other date as the Authority or the Central Government may fix.
- 30 (5) When the Authority makes any modifications to the plan under sub-section (1), it shall report to the Central Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation.
- 35 (6) If any question arises whether the modifications proposed to be made by the Authority are modifications which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the Central Government whose decision thereon shall be final.

(7) Any reference in any other Chapter, except Chapter III, to the master plan or the zonal development plan shall be construed as a reference to the master plan or the zonal development plan as modified under the provisions of this section."

Amend-
ment of
section 12.

8. In section 12 of the principal Act,—

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(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) As soon as may be after the commencement of this Act, the Central Government may, by notification in the Official Gazette, declare any area in Delhi to be a development area for the purposes of this Act: 10

Provided that no such declaration shall be made unless a proposal for such declaration has been referred by the Central Government to the Authority and the Municipal Corporation of Delhi for expressing their views thereon 15 within thirty days from the date of the receipt of the reference or within such further period as the Central Government may allow and the period so specified or allowed has expired.";

(b) in the proviso to sub-section (3), after the word "may", 20 the words, figures and letter "subject to the provisions of section 53A" shall be inserted.

Substitu-
tion of
new sec-
tion for
section
15.

9. For section 15 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

Com-
pulsory
acqui-
sition of
land.

"15. (1) If in the opinion of the Central Government, any 25 land is required for the purpose of development, or for any other purpose, under this Act, the Central Government may acquire such land under the provisions of the Land Acquisition Act, 1894.

1 of 1894.

(2) Where any land has been acquired by the Central 30 Government, that Government may, after it has taken possession of the land, transfer the land to the Authority or any local authority for the purpose for which the land has been acquired on payment by the Authority or the local authority of the compensation awarded under that Act and of the charges incur- 35 red by the Government in connection with the acquisition."

10. Sections 16 to 20 of the principal Act shall be, and shall be deemed always to have been, omitted.

Omission of sections 16 to 20.

11. After section 22 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 22A.

5 “22A. Notwithstanding anything contained in sub-section (2) of section 12, the Authority may, if it is of opinion that it is expedient to do so, undertake or carry out any development of any land which has been transferred to it or placed at its disposal under section 15 or section 22 even if such land is situated in any area which is not a development area.”

Power of Authority to develop land in non-development area.

12. In section 23 of the principal Act,—

Amendment of section 23.

(a) in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

15 “(aa) all moneys borrowed by the Authority from sources other than the Central Government by way of loans or debentures;”;

(b) after sub-section (4), the following sub-sections shall be inserted, namely:—

20 “(5) The Authority may borrow money by way of loans or debentures from such sources (other than the Central Government) and on such terms and conditions as may be approved by the Central Government.

25 “(6) The Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (5), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

30 “(7) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose.”

13. In section 29 of the principal Act, in sub-section (2), the following shall be inserted at the end, namely:—

Amendment of section 29.

35 “and in the case of a continuing offence, with further fine which may extend to two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence”.

Amendment
of section
30.

14. In section 30 of the principal Act,—

(i) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) Where any development has been commenced or is being carried on or has been completed in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any conditions subject to which such permission, approval or sanction has been granted,—

(i) in relation to a development area, any officer of the Authority empowered by it in this behalf,

(ii) in relation to any other area within the local limits of a local authority, the competent authority thereof,

may, in addition to any prosecution that may be instituted under this Act, make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period (not being less than five days and more than fifteen days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to the owner or that person) as may be specified in the order and on his failure to comply with the order, the officer of the Authority or, as the case may be, the competent authority may remove or cause to be removed the development and the expenses of such removal shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue:

Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made.

(1A) If any development in an area other than a development area has been commenced or is being carried on or has been completed in contravention of the master plan or zonal development plan or without the approval or sanction referred to in section 12 or in contravention of any conditions subject to which such approval or sanction has been granted and the competent authority has failed to remove

or cause to be removed the development within the time that may be specified in this behalf by the Administrator of the Union territory of Delhi, the Administrator may, after observing such procedure as may be prescribed by rules made in this behalf, direct any officer to remove or cause to be removed such development and that officer shall be bound to carry out such direction and any expenses of such removal may be recovered from the owner or the persone at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Any person aggrieved by the direction of the Administrator under sub-section (1A) may appeal to the Central Government within thirty days from the date thereof, and the Central Government may after giving an opportunity of hearing to the person aggrieved, either allow or dismiss the appeal or may reverse or vary any part of the direction.”;

(iii) for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) The decision of the chairman or the Central Government on the appeal and subject only to such decision the order under sub-section (1) or, as the case may be, the direction under sub-section (1A), shall be final and shall not be questioned in any court.

(4) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to demolition of buildings contained in any other law for the time being in force.”.

15. For section 31 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 31.

“31. (1) Where any development in any area has been commenced in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any conditions subject to which such permission, approval or sanction has been granted,—

Power to stop development.

(i) in relation to a development area, the Authority or any officer of the Authority empowered by it in this behalf,

(ii) in relation to any other area within the local limits of a local authority, the competent authority thereof,

may, in addition to any prosecution that may be instituted under this Act, make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly. 5

(2) Where such development is not discontinued in pursuance of the order under sub-section (1), the Authority or the officer of the Authority or the competent authority, as the case may be, may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly. 10

(3) If any development in an area other than a development area has been commenced in contravention of the master plan or zonal development plan or without the approval or sanction referred to in section 12 or in contravention of any conditions subject to which such approval or sanction has been granted and the competent authority has failed to make an order under sub-section (1) or, as the case may be, a requisition under sub-section (2), within the time that may be specified in this behalf by the Administrator of the Union territory of Delhi, the Administrator may, after observing such procedure as may be prescribed by rules made in this behalf, direct any officer to make the order or requisition, as the case may be, and that officer shall be bound to carry out such direction and the order or requisition made by him in pursuance of the direction shall be complied with accordingly. 15 20 25

(4) After the requisition under sub-section (2) or sub-section (3) has been complied with, the Authority or the competent authority or the officer to whom the direction was issued by the Administrator under sub-section (3), as the case may be, may depute by a written order a police officer or an officer or employee of the Authority or local authority concerned to watch the place in order to ensure that the development is not continued. 30 35

(5) Any person failing to comply with an order under sub-section (1) or, as the case may be, under sub-section (3), shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order. 40

(6) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the removal of any development under section 30 or the discontinuance of the development under this section.

5 (7) In section 30 and in this section, "competent authority" in relation to a local authority means any authority or officer of that local authority empowered or authorised to order demolition or stoppage of buildings or works, in accordance with the provisions made by or under the law governing such local
10 authority.

(8) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force."

15 16. In section 34 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— Amend-
ment of
section 34.

"(1) Any offence made punishable by or under this Act may, either before or after the institution of proceedings, be compounded—

20 (i) in the case of an offence referred to in sub-section (2) of section 49, by the Administrator of the Union territory of Delhi or any officer authorised by him in this behalf by general or special order; and

25 (ii) in any other case, by the Authority or, as the case may be, the local authority concerned or any person authorised by the Authority or such local authority by general or special order in this behalf."

17. For section 35 of the principal Act, the following section shall be substituted, namely:— Substitu-
tion of
new sec-
tion for
section 35.

30 "35. (1) If the Authority, after holding a local enquiry or upon report from any of its officers or other information in its possession, is satisfied that any amenity in relation to any land in a development area has not been provided in relation to that land which in the opinion of the Authority is to be provided, Default
Powers
of the
Authority.
35 or that any development of the land for which permission, approval or sanction has been obtained under this Act has not

been carried out, it may, after affording a reasonable opportunity to show cause, serve upon the owner of the land or upon the person providing or responsible for providing the amenity a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any amenity is not provided or any such development is not carried out within the time specified in the notice, then the Authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this subsection, the Authority shall afford reasonable opportunity to the owner of the land or to the person providing or responsible for providing the amenity to show cause as to why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the Central Government may by order fix from the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner or the person providing or responsible for providing the amenity as arrears of land revenue."

Substitution
of new
section for
section 37.

Power of
Authority
to levy
betterment
charges.

18. For section 37 of the principal Act, the following section shall be substituted, namely:—

"37. (1) Where, in the opinion of the Authority, as a consequence of any development having been executed by the Authority in any development area, the value of any property in that area or in any area other than the development area, which has been benefited by the development, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development:

Provided that no betterment charge shall be levied in respect of lands owned by Government within Delhi:

Provided further that where any land belonging to Government has been let out by Government to any person, then that land and any building situate thereon shall be subject to a betterment charge under this section.

(2) Such betterment charge shall be an amount—

(i) in respect of any property situate in a development area, equal to one-third of the amount, and

5 (ii) in respect of property situate in any other area, not exceeding one-third of the amount,

by which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of buildings exceeds the value of the property prior to such execution estimated in like manner:

10 Provided that in levying betterment charge on any property under clause (ii), the Authority shall have regard to the extent and nature of benefit accruing to the property from the development and such other factors as may be prescribed by rules made in this behalf.”.

15 19. In section 39 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:— Amendment
of section
39.

of 1908.

20 “(2A) The arbitrators shall, for the purpose of determining any matter referred to them, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

25 (c) administering to any party to the arbitration such interrogatories as may, in the opinion of the arbitrators, be necessary.”.

20. After section 40 of the principal Act, the following section shall be inserted, namely:— Insertion
of new sec-
tion 40A.

30 “40A. Any money due to the Authority on account of fees or charges, or from the disposal of lands, buildings or other properties, movable or immovable, or by way of rents and profits may, if the recovery thereof is not expressly provided for in any other provision of this Act, be recovered by the Authority as arrears of land revenue.”. Mode of
recovery
of moneys
due to
Authority.

35

Amend-
ment of
section 41.

21. In section 41 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government may, at any time, either on its own motion or on application made to it in this behalf, call for the records of any case disposed of or order passed by the Authority for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit: 5

Provided that the Central Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.” 10

Substitu-
tion of
new
section for
section 42.

22. For section 42 of the principal Act, the following section shall be substituted, namely:—

Returns
and ins-
pection.

“42. (1) The Authority shall furnish to the Central Govern- 15
ment such reports, returns and other information as that Gov-
ernment may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), the Central Government or any officer authorised by the Central Government in this behalf, may call for reports, returns and 20
other information from the Authority or local authority in regard to the implementation of the master plan.

(3) Any person authorised by the Central Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining 25
whether the provisions of the master plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.

(4) No such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to 30
the occupier, or if there be no occupier, to the owner of the land or building.”

Amend-
ment of
section 49.

23. Section 49 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, after the words 35
“under this Act”, the words, brackets and figure “other than an offence referred to in sub-section (2)” shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

5 “(2) No prosecution for any offence for failure to comply with the order of the officer referred to in sub-section (3) of section 31 and punishable under sub-section (5) of that section shall be instituted except with the previous sanction of the Administrator or any officer authorised by him in this behalf.”.

24. Section 52 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

Amendment of section 52.

(a) in sub-section (1) as so re-numbered, after the words “local authority”, the words, figure and letter “or committee constituted under section 5A” shall be inserted;

15 (b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

20 “(2) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act, except the power to make rules, may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

25 “(3) The Administrator of the Union territory of Delhi may, by notification in the Official Gazette, direct that any power exercisable by him under this Act may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.”.

25. In section 53 of the principal Act, in sub-section (2), for the words “Save as aforesaid”, the following shall be substituted, 30 namely:—

Amendment of section 53.

“Save as otherwise provided in sub-section (4) of section 30 or sub-section (8) of section 31 or sub-section (1) of this section”.

26. After section 53 of the principal Act, the following sections 35 shall be inserted, namely:—

Insertion of new sections 53A and 53B.

“53A. (1) Notwithstanding anything contained in any law for the time being in force, no rule, regulation or bye-law shall be made or amended by a local authority in respect of matters specified in sub-section (2) unless the Authority, upon consideration,

Restriction on power of a local authority to make rules,

regulations
or bye-
laws in
respect of
certain
matters.

ration of such rule, regulation or bye-law, certifies that it does not contravene any of the provisions of the master plan or the zonal development plan.

(2) The matters referred to in sub-section (1) are the following, namely:—

5

(a) water supply, drainage and sewage disposal;

(b) erection and re-erection of buildings, including grant of building permissions, licences and imposition of restrictions on use and sub-division of buildings;

(c) sub-division of land into building sites, roads and lanes, recreational sites and sites for community facilities; and 10

(d) development of land, improvement schemes, and housing and re-housing schemes.

Notice to
be given
of suits.

53B. (1) No suit shall be instituted against the Authority, or any member thereof, or any of its officers or other employees, or any person acting under the directions of the Authority or any member or any officer or other employee of the Authority in respect of any act done or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder until the expiration of two months after notice in writing has been, in the case of the Authority, left at its office, and in any other case, delivered to, or left at the office or place of abode of, the person to be sued and unless such notice states explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered. 15 20 25

(2) No suit such as is described in sub-section (1) shall, unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises. 30

(3) Nothing contained in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit." 35

Amend-
ment
of sec-
tion 55.

27. In section 55 of the principal Act,—

(i) in sub-section (1),—

(a) the words "under the provisions of this Act or, as the case may be, of any other law relating to acquisition of 40

immovable property, by the authority for the time being charged with the development of the area in which the land is situated" shall be, and shall be deemed always to have been, omitted;

5 (b) for the words "serve on the authority a notice", the words "serve on the Central Government a notice" shall be substituted.

10 (ii) in sub-section (2), for the words "If the authority for the time being charged with the development of the area", the words "If the Central Government" shall be substituted.

28. In section 56 of the principal Act, in sub-section (2),—

Amend-
ment of
section
56.

(a) after clause (d), the following clause shall be inserted, namely:—

15 "(dd) the stages by which the development of any particular features of a zone may be carried out;"

(b) for clause (g), the following clause shall be substituted, namely:—

"(g) the form and manner in which notice under sub-section (3) of section 11A shall be published;"

20 (c) clause (i) shall be, and shall be deemed always to have been, omitted;

(d) after clause (j), the following clauses shall be inserted, namely:—

25 "(jj) the procedure to be observed by the Administrator under section 30 or section 31;

"(jjj) the factors to be taken into consideration in determining the rate of betterment charge in respect of property situate in any area outside the development area;"

30 (e) after clause (m), the following clause shall be inserted, namely:—

"(mm) the procedure to be followed for borrowing moneys by way of loans or debentures and their repayment;"

Amend-
ment of
section 57.

29. In section 57 of the principal Act, in sub-section (1),—

(a) after clause (a), the following clause shall be inserted,
namely:—

“(aa) the summoning and holding of meetings of a committee constituted under section 5A, the time and place 5 where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum thereat and the fees and allowances payable to the members for attending the meetings or any other work of the Authority;”;

10

(b) clause (g) shall be, and shall be deemed always to have been, omitted.

Valida-
tion of
certain
acqui-
sitions.

30. If any acquisition of land has been made under the provisions of the Land Acquisition Act, 1894 for any purposes of the principal Act or any notification has been issued or order has been made or 15 any proceeding has been instituted or any action has been taken in connection with acquisition of any land for such purpose, such acquisition, notification, order, proceeding or action shall not be deemed to be invalid merely on the ground that it was made, issued, instituted or taken under the said provisions.

1 of 1894.

20

STATEMENT OF OBJECTS AND REASONS

The Delhi Development Act, 1957, requires the Delhi Development Authority to prepare a master plan for Delhi and to promote and secure the development of Delhi according to that plan. The master plan came into force with effect from the 1st September, 1962. Under the provisions of the present Act, the master plan has become a very rigid document and it is considered that there should be an easy procedure for making modifications and minor deviations in the plan which are found necessary in the process of actual development. Some changes are inevitable and unless these can be expeditiously effected, the actual work of development would be greatly hampered from time to time.

It is also felt that the provisions of the Delhi Development Act, 1957 regarding acquisition and disposal of land operate to the disadvantage of the public and Government consider that the land for development of Delhi should be acquired under the ordinary law, *viz.*, the Land Acquisition Act, 1894.

The working of the Delhi Development Act has also revealed the need for certain other amendments to ensure smooth and speedy implementation of the master plan for the Capital. These amendments *inter alia* provide for the constitution of committees, conferment of power on the Authority to carry out development when expedient even in areas not formally declared as development area, borrowing money with the approval of the Central Government and the creation of a sinking fund for certain purposes, conferment of power on the Administrator of the Union territory of Delhi to terminate by demolition or otherwise any contravention of the master plan where a local authority has failed to take the necessary action, levy of betterment charges on properties situate outside development areas which have substantially benefited by the development work and power to provide for the prior examination of rules, regulations or byelaws proposed by local authorities to secure compliance with the provisions of the master plan.

The Bill seeks to give effect to these changes.

NEW DELHI;

SUSHILA NAYAR.

The 2nd December, 1963.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117
OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.13-16/62-MG, dated the 3rd December, 1963 from Dr. Sushila Nayar, Minister of Health to the Secretary, Lok Sabha].

The President, having been informed of the subject matter of the Delhi Development (Amendment) Bill, 1963, recommends under article 117(3) of the Constitution of India the consideration of the Bill in the Lok Sabha.

FINANCIAL MEMORANDUM

The land required for development in Delhi is acquired by the Chief Commissioner, Delhi, on behalf of the Central Government under the Land Acquisition Act, 1894, and then the same is placed at the disposal of the Delhi Development Authority, local bodies, the Government and the various Co-operative House Building Societies according to their requirement. The cost of the land acquired is met initially from the Revolving Fund of Rs. 5 crores placed at the disposal of the Chief Commissioner but the same is recouped from the Delhi Development Authority and other bodies when land is transferred to them. During the last two years, approximately 15,000 acres of land have been acquired and allotted for development to the various agencies referred to above. It is estimated that during the next five years the Chief Commissioner, Delhi, will be acquiring about 20,000 more acres of land for the proper implementation of the master plan, at an estimated cost of about Rs. 27·2 crores, as indicated below:—

| | | |
|--|---------------|--------------------------|
| (i) Acquisition of 16,000 acres of land in the urbanisable area of Delhi @ Rs. 15,000 per acre (average rate). | .. | Rs. 24·00 crores. |
| (ii) Acquisition of 4,000 acres of land in Narela Ring Town @ Rs. 8,000 per acre (average rate). | .. | Rs. 3·20 crores. |
| | | <hr/> |
| | TOTAL: | Rs. 27·20 crores. |
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It is expected that the whole land acquisition programme would be financed from the Revolving Fund already available with the Chief Commissioner.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill which seeks to insert new section 5A in the Delhi Development Act, 1957, enables the Authority to constitute committees and provides for regulations to be made for the summoning and holding of meetings of the committees, the time and place of such meetings, the conduct of business thereat and the fees and allowances payable to the members for attending the meetings, etc., of the committees. The proposed section 11A under new Chapter IIIA, provides for certain modifications to the master plan and the zonal development plan. Sub-section (3) thereof contemplates framing of rules for prescribing the form and manner of the notice which the Authority or the Central Government, as the case may be, are required to publish before making any such modifications. The proposed sub-section (1A) of section 30 and sub-section (3) of section 31 of the Act also provide for the framing of rules by the Central Government for prescribing procedure which the Administrator of the Union territory of Delhi will be required to observe before taking any action thereunder. Similarly, Central Government has been empowered to frame rules for indicating factors for the guidance of the Authority in levying betterment charge on properties referred to in clause (ii) of sub-section (2) of the proposed section 37. Other amendments proposed in sections 56 and 57 are of a consequential nature. All these matters to be specified in the regulations and the rules are matters of detail and the delegation of legislative power is of a normal character.

M. N. KAUL,
Secretary.